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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 MICHAEL A. VICTORY,
12 Plaintiff,

13 v.

14 J. SHAFFER, et al.,

15 Defendants.
16

Case No. 1:20-cv-00738-JLT-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION FOR A FAILURE TO STATE A
CLAIM

(Doc. 21.)

17 The assigned magistrate judge issued findings and recommendations, recommending this
18 action be dismissed for a failure to state a claim. (Doc. 21.) The magistrate judge found that
19 because Plaintiff had received two opportunities to amend his complaint, further amendment
20 would be futile. (*Id.* at 8.) On March 2, 2023, Plaintiff filed timely objections to the findings and
21 recommendations. (Doc. 24.)

22 According to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this
23 case. Having carefully reviewed the file, including Plaintiff's objections, the Court finds the
24 findings and recommendations to be supported by the record and proper analysis. Thus, the Court

25 **ORDERS:**

- 26 1. The findings and recommendations issued on January 11, 2023 (Doc. 21) are
27 **ADOPTED IN FULL.**
28 2. This action is **DISMISSED** for Plaintiff's failure to state a claim upon which relief

1 can be granted.

2 3. The Clerk of the Court is directed to close this case.

3
4 IT IS SO ORDERED.

5 Dated: **March 6, 2023**


UNITED STATES DISTRICT JUDGE